



THE U.S. CONSTITUTION'S ANTECEDENTS

INTRODUCTION

A constitution is a written declaration of society's basic rules. These rules do not drop from the sky. The words—and how those words are interpreted—result from people arguing and fighting over who can do what to whom, which translates into issues like slavery, taxation, the power of corporations, the right to vote, the right to join real labor unions, and more. Thus a constitution should be seen as a “truce” that people draw up in the course of social conflict. The United States Constitution—like a lot of things—is best understood in the context of people struggling in history.



The first constitution in the English-speaking world was the MAGNA CARTA. It appeared in England when a group of barons got tired of the way King John was ruling the realm. Besides messing with Robin Hood (which was probably fine with the barons anyway), John forced the barons to give him tax money—and worse, service in the army—for ridiculous military adventures overseas. In 1215, the barons took control of London, and forced John to meet with them in a meadow called Runnymede. There, John agreed to a list of rules he would obey in running the Kingdom. This list became known as the Magna Carta.

38. *Henceforth no bailiff shall put anyone on trial by his own unsupported allegation, without bringing credible witnesses to the charge.*

39. *No free man shall be taken or imprisoned or disseized or outlawed or exiled or in any way ruined, nor will We go or send against him, except by the lawful judgment of his peers or by the law of the land.*

40. *To no one will we sell, to no one will we deny or delay right or justice.*



It appears that John intended to break the Magna Carta agreement as soon as he had the power to do so. However, he died the next year, and his young son Henry (the Third) was in no position to fight with the barons over the Magna Carta. The English came to see it as the primary list of rules for living in the kingdom.

EARLY CONSTITUTIONS

When English people started living in North America, they set up rules for living in the new land. Usually they did this on the basis of a charter granted by the king, like the VIRGINIA CHARTER. (The point, in part, was to clarify who owned what and who owed what to whom.) Or they would make one up themselves, if they could, which is what the Pilgrims did in Massachusetts. Documents like the Virginia Charter and the MAYFLOWER COMPACT were early constitutions.

FIRST CHARTER OF VIRGINIA, April 10, 1606:

*Also we do, for Us, our Heirs, and Successors,
DECLARE, by these Presents, that all and every
Persons being our Subjects, which shall dwell and
inhabit within every or any of the said several
Colonies and Plantations, and every of their
children, which shall happen to be born within any
of the Limits and Precincts of the said several
Colonies and Plantations, shall HAVE and enjoy all
Liberties, Franchises, and Immunities, within any
of our other Dominions, to all Intents and
Purposes, as if they had been abiding and born,
within this our Realm of ENGLAND, or any other
of our said Dominions.*



MAYFLOWER COMPACT, NOV. II, 1620:

We, whose names are underwritten... Do by these Presents, solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politics, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Offices, from time to time, as shall be thought most meet and convenient for the general Good of the Colony....

REASONS FOR EMIGRATION

The seventeenth century saw English people leaving merrie olde England to live in North America because England wasn't so merrie anymore.

The centuries after Magna Carta had seen your regular array of royal assassinations, baronial rebellions, and peasant riots. The Magna Carta was seldom an issue, though, either because people had other things to fight over, or because the kings were so strong that they could force their interpretation of Magna Carta down the throats of everyone else.



In the 1600s, however, all this began to change, particularly when the Stuart family assumed the throne of England after the death of Queen Elizabeth in 1603.

Religion provided a major source of tension. In the 1500s, most of England had become Protestant, but for a few years, Elizabeth's older sister Mary had tried burning English people to force them to return to Catholicism. After Mary's death, the English remained nervous because they saw the Catholics pushing thought control in Spain (the Inquisition), mass killings in France (Batholomew Day Massacre) and military conquest in Germany (Thirty Years War).

Queen Elizabeth was no Queen Mary. She made sure her people thought she loved and respected them. She had impeccable Protestant credentials. More importantly, Elizabeth knew how to deal with aggressive Catholics from powerful Spain. When Spain sent an Armada to invade England, Elizabeth sunk the ships with the help of her good people and God's bad weather.

Elizabeth was a hard act to follow, and the Stuarts made things even harder. King James Stuart I and his son, Charles I, were snots. They liked their religion with a degree of pomp (which outraged the Puritans who liked their Protestantism "pure"). James and Charles also sucked up to Catholic powers like Spain and France.

English people who were nervous about prelates controlling their worship and rulers grabbing their money left England for North America.

